

**NEW BUFFALO TOWNSHIP BOARD
REGULAR MEETING
October 20th, 2025, 4:00 P.M.
17425 Red Arrow Hwy. New Buffalo, MI 49117
Minutes**

Supervisor Heit called the meeting to order at 4:00 p.m.

1. ROLL CALL & PLEDGE OF ALLEGIANCE

Present: Anderson, Hannon, Heit, Males
Not Present: Iazzetto
Pledge of Allegiance

2. PRESENTATION – Red Arrow Trail Extension

Board members heard a presentation from Marcy Hamilton of the Southwest Michigan Planning Commission on the proposed extension of the nonmotorized Red Arrow Trail from where it currently ends North of the intersection of US 12 to where the paved shoulder begins along US 12 opposite of Clay Street.

3. ITEMS TOO LATE FOR PRINTED AGENDA

- Add to Consent Agenda: Approve \$512.82 HSA payment to Finance Administrator for change in insurance plan
- Add Item 8n: Temporary Salary Adjustment for Fire Chief
- Move Item 8m (Closed Session) to Item 8a

4. APPROVE AGENDA

Heit moved, Anderson supported, approving the agenda, as amended.

Roll Call Vote:

Anderson	Yes
Hannon	Yes
Heit	Yes
Iazzetto	Absent
Males	Yes

Motion CARRIED

5. REPORTS

Building

Park
Pine Grove Cemetery
Galien River Sanitary District
Fire
Library
LRSB
Marina
Pokagon Fund
Police

6. PUBLIC COMMENTS – Public Comments were heard by the Board.

7. CONSENT AGENDA

Hannon moved, Heit supported, approving the following items on the consent agenda:

Minutes of the September 15th regular meeting, the October 6th special meeting minutes, and the October 6th closed session minutes

Treasurer's Report

Bills

1. General \$88,855.89
2. Public Safety Millage \$152,094.28
3. Park Millage \$55,404.84
4. Building \$25,444.28
5. LRSB Discretionary \$7,918.75
6. Sewer & Water \$139,799.65
7. Marina \$2,589.63
8. Payroll \$94,779.98
9. Trust & Agency \$0

Approve a grant application to the Pokagon Fund in the amount of \$300,000 for the Harbor Country Drive Non-Motorized Trail.

Approve a quote from All Traffic Solutions in the amount of \$6,994 for two traffic data collectors.

Approve a quote and payment of \$4,959.00 to American Window Film for window film application at the hall.

Approve a quote from AEP in the amount of \$8,002.99 for streetlights, poles, and a new transformer.

Accept resignations of Firefighters Hunter Giannetti & Steven Margaritis.

Approve a \$512.82 HSA payment to Finance Administrator for change in insurance plan.

Roll Call Vote:

Anderson	Yes
Hannon	Yes
Heit	Yes
Iazzetto	Absent
Males	Yes

Motion CARRIED

8. NEW BUSINESS

a. Closed Session regarding pending litigation.

Hannon moved, Heit supported, going into closed session at 4:56 p.m. pursuant to MCL 15.268(1)(e) the Board of Trustees of New Buffalo Township adjourn to a closed session to consult with its attorneys regarding trial and settlement strategy in connection with the following pending litigation:

- (1) *Comforter Collective LLC v. New Buffalo Township, et. al, Case No 25-0308-CH-L in the Berrien County Circuit Court.*

because the discussion of trial and/or settlement strategy in an open meeting would have a detrimental financial effect on the litigating or settlement position of the Township.

Roll Call Vote:

Anderson	Yes
Hannon	Yes
Heit	Yes
Iazzetto	Absent
Males	Yes

Motion CARRIED

Hannon moved, Heit supported, reconvening in open session at 5:10 p.m.

Roll Call Vote:

Anderson	Yes
Hannon	Yes
Heit	Yes
Iazzetto	Absent

Males	<u>Yes</u>
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Motion CARRIED

b. Hardship Resolution

Heit moved, Hannon supported, adopting Resolution 20251020a which adopts Ordinance 20251020 which sets guidelines allowing the board to defer special assessments and approve any related application forms.

Roll Call Vote:

Anderson	<u>Yes</u>
Hannon	<u>Yes</u>
Heit	<u>Yes</u>
Iazzetto	<u>Absent</u>
Males	<u>Yes</u>

Resolution ADOPTED

c. Tribute Plaza Change Order #1

Heit moved, Males supported, approving change order #1 in the amount of \$48,446.20 for Tribute Plaza for unanticipated asphalt & concrete removal.

Motion CARRIED

d. Literacy Proclamation

Males moved, Heit supported, adopting Resolution 20251020b which proclaims November 2025 as Literacy Month.

Roll Call Vote:

Anderson	<u>Yes</u>
Hannon	<u>Yes</u>
Heit	<u>Yes</u>
Iazzetto	<u>Absent</u>
Males	<u>Yes</u>

Resolution ADOPTED

e. Disc Golf Course Change Order #2 & Pay Request #2 – Compton Inc.

Hannon moved, Heit supported, approving change order #1 in the amount of \$8,340.00 and pay request #1 in the amount of \$157,304.90 to Compton Inc. for work on the Disc Golf Course.

Motion CARRIED

f. Economic Development Service Agreement & Invoice

Males moved, Anderson supported, approving a service agreement with the Southwest Michigan Regional Chamber to create a Chamber Growth Alliance with Chikaming Township, Three Oaks Township and the City of New Buffalo and approve an invoice in the amount of \$25,000 to the SMRC for the contracted service.

Motion CARRIED

g. Capital Asset Policy

Males moved, Hannon supported, approving the amended Capital Asset Policy as presented.

Motion CARRIED

h. Memorandum of Understanding – Galien River Sanitary District

Males moved, Heit supported, approving a MOU with the Galien River Sanitary District as presented.

Motion CARRIED

i. Consent Judgment

Hannon moved, Males supported, approving the proposed Consent Judgment with regard to The Sturgeon Beach Property Owners Association v. Toman, et al., Berrien County Circuit Court Case No. 24-0277-CH-H and to authorize the township attorney to execute the same and file with the Court.

Roll Call Vote:

Anderson	<u>Yes</u>
Hannon	<u>Yes</u>
Heit	<u>Yes</u>

lazzetto	<u>Absent</u>
Males	<u>Yes</u>

Motion CARRIED

j. Special Land Use Extension Approval – Harbor Country Drive LLC

Males moved, Hannon supported, granting a two-month extension of a preliminary approval of a Special Land Use to Harbor Country Drive LLC at 18910 Harbor Country Drive, New Buffalo until January 7th, 2026.

Roll Call Vote:

Anderson	<u>Yes</u>
Hannon	<u>Yes</u>
Heit	<u>Yes</u>
lazzetto	<u>Absent</u>
Males	<u>Yes</u>

Motion CARRIED

k. Special Land Use Extension Approval – New Buffalo Group US-12 LLC

Heit moved, Hannon supported, granting a three-month extension of a preliminary approval of a Special Land Use to New Buffalo Group US-12 LLC at 10227 US-12, New Buffalo until February 20, 2026.

Roll Call Vote:

Anderson	<u>Yes</u>
Hannon	<u>Yes</u>
Heit	<u>Yes</u>
lazzetto	<u>Absent</u>
Males	<u>Yes</u>

Motion CARRIED

l. Special Land Use Extension Approval – 19325 US HWY 12 LLC

Attorney Nick Curcio and Christine Jaber spoke in support of this extension during public comment.

Males moved, Heit supported, granting a six-month extension of a preliminary approval of a Special Land Use to 19325 US HWY 12 LLC at 19325 US-12, New Buffalo until May 20, 2026.

Roll Call Vote:

Anderson	Yes
Hannon	Yes
Heit	Yes
Iazzetto	Absent
Males	Yes

Motion CARRIED

m. Special Land Use Approval – Rapid Fish 3 LLC

Heit moved, Hannon supported, granting Final Approval of a Special Land Use to Rapid Fish 3 LLC to operate an Adult-Use Marihuana Retail Establishment at 19169 W US 12 Hwy, New Buffalo, Michigan 49117; being parcel number 11-13-2700-0034-01 with the following conditions:

The applicants must adhere to the standards detailed in the New Buffalo Township Zoning Ordinance Article 455-5.22 Marihuana Businesses.

Copy of license from the State of Michigan Cannabis Regulatory Agency will be provided yearly upon renewal.

\$5,000 annual administrative fee to be provided to New Buffalo Township by the renewal date of the State of Michigan license.

Maintain current business license registration with the New Buffalo Township Building Department which includes an annual Fire Code Inspection of the premises.

The SLU development agreement and final site plan must be recorded with the Register of Deeds Office with evidence of recording submitted to New Buffalo Township within 45 days.

The SLU is attached to, and shall run with the land for which the permit is granted, and shall be binding upon, and ensure benefit of, all subsequent owners and all occupants of the subject land provided that the new occupant/owner provide proper application for Marihuana Establishment w/supplemental information required, applicable fee, and copy of their State of Michigan Cannabis Regulatory Agency license.

Discussion was held regarding parcel number in the Motion.

Heit moved, Hannon supported, granting Final Approval of a Special Land Use to Rapid Fish 3 LLC to operate an Adult-Use Marihuana Retail Establishment at 19169

W US 12 Hwy, New Buffalo, Michigan 49117; being parcel number 11-13-2700-0034-00-1 with the following conditions:

The applicants must adhere to the standards detailed in the New Buffalo Township Zoning Ordinance Article 455-5.22 Marihuana Businesses.

Copy of license from the State of Michigan Cannabis Regulatory Agency will be provided yearly upon renewal.

\$5,000 annual administrative fee to be provided to New Buffalo Township by the renewal date of the State of Michigan license.

Maintain current business license registration with the New Buffalo Township Building Department which includes an annual Fire Code Inspection of the premises.

The SLU development agreement and final site plan must be recorded with the Register of Deeds Office with evidence of recording submitted to New Buffalo Township within 45 days.

The SLU is attached to, and shall run with the land for which the permit is granted, and shall be binding upon, and ensure benefit of, all subsequent owners and all occupants of the subject land provided that the new occupant/owner provide proper application for Marihuana Establishment w/supplemental information required, applicable fee, and copy of their State of Michigan Cannabis Regulatory Agency license.

Roll Call Vote:

Anderson	<u>Yes</u>
Hannon	<u>Yes</u>
Heit	<u>Yes</u>
Iazzetto	<u>Absent</u>
Males	<u>Yes</u>

Motion CARRIED

n. Temporary Salary Adjustment for Fire Chief.

Hannon moved, Heit supported, approving a temporary increase in gross pay of \$2,000/month for Fire Chief Flick, retroactive to July 1, 2025, and continuing until the contract for fire services with the City of New Buffalo is terminated.

Motion CARRIED

9. BOARD COMMENTS

- The Friends of the New Buffalo Township Fire Department was a success! Thank you to all the participants, donors, and sponsors!
- A ribbon cutting for the disc golf course at Glassman Park has been scheduled for October 31, 2025, at 11:00 a.m.
- There will be an election on November 4, 2025.

10. ADJOURNMENT

Males moved, Heit supported, adjourning at 5:36 p.m.

Motion CARRIED

Submitted By:



Michelle Hannon, Clerk
New Buffalo Township